

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 08-107-PB

Marcus Cherry

O R D E R

On February 2, 2009, the court granted counsel's motion for psychological evaluation, seeking permission for Dr. Maguire at the Strafford County House of Corrections to evaluate the defendant's mental competency.

Counsel has now filed a motion indicating that Dr. Maguire has not completed the examination due to ethical reasons and requests an alternative examination be ordered by a qualified psychiatrist. Accordingly, pursuant to 18 U.S.C. §§ 4241, 4247, and with the consent of the parties, the court commits the defendant to the custody of the Bureau of Prisons for a period not to exceed 45 days to be placed in a suitable facility and examined by a qualified psychiatrist. Following such examination, the psychiatrist shall prepare a report to be filed under seal addressing the defendant's competency to plead guilty or stand trial. This report shall also take into account any medications the defendant is currently taking.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

June 10, 2009

cc: Tony F. Soltani, Esq.
Terry Ollila, Esq.
United States Probation
United States Marshal